

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

CASSANDRA C DE BACA,
as Personal Representative of the
ESTATE OF BEN C DE BACA, Deceased,

Plaintiff,

vs.

No. 17-CV-1058 JB-LF

TOWN OF BERNALILLO ex rel.
TOWN OF BERNALILLO POLICE DEPARTMENT, et al.,

Defendants.

AFFIDAVIT OF PATRICK SEGURA

COUNTY OF SANDOVAL)
) ss.
STATE OF NEW MEXICO)

I, Patrick Segura, having been first duly sworn upon my oath,
hereby do state as follows:

1. My name is Patrick Segura.
2. This affidavit is based on my personal knowledge.
3. I have been commissioned as a law enforcement officer for the Pueblo of Santa Ana Police Department since 2012. Since 2012, I have been a full time employee of Santa Ana Pueblo, which pays the entirety of my salary and employee benefits.

4. On September 6, 2015, at approximately 1830 hours, I was on duty for the Santa Ana Pueblo Tribal Police Department, dressed in my tribal police uniform and displaying my tribal badge of office. I was sitting at my desk in the tribal police office, which is located on the Pueblo of Santa Ana reservation, working at my computer. As I worked, I monitored transmissions of the Sandoval County Regional Emergency Communications Center



("SCRECC"), through my hand-held tribal radio. I was monitoring the frequency shared by the Town of Bernalillo Police Department and the Santa Ana Pueblo Tribal Police Department.

5. At approximately 1830 hours, I heard SCRECC transmit a call to all units to be on the lookout for a motor vehicle crash at the McDonald's on State Road 528 and Montoya Road, and heard SCRECC advise that a male subject had been seen fleeing from the scene and running towards the Walmart, which was across the street.

6. From my own knowledge and experience, I was aware that the McDonald's is located in the City of Rio Rancho, Walmart is located in the Town of Bernalillo, and Santa Ana Pueblo-owned land is located very close to that area. I was aware that the area is a sort of "checkerboard" or "sawtooth" of mixed jurisdictions among the City of Rio Rancho, Town of Bernalillo and the pueblo lands.

7. As I monitored the transmissions, I heard Unit 407 of the Bernalillo Police Department respond to SCRECC, stating that he and Officer Benjey (another Bernalillo police officer) were busy at a domestic disturbance call in Bernalillo, and then stating to SCRECC, "Can you see if Santa Ana can send someone over there?" I heard SCRECC tell Unit 407 yes, and I also heard SCRECC advise that there was now a fight at the Walmart.

8. I spoke to Santa Ana Tribal Police Sergeant Foster, my immediate supervisor, who was also in the tribal police office, and he instructed me to proceed to the scene to assist the officers from the Bernalillo Police Department, as they had requested.

9. I am aware of Santa Ana Pueblo General Order No. 01-04.1,

which limits the jurisdiction of tribal police officers such as myself to the geographic area within the exterior boundaries of Santa Ana Pueblo as well as the other areas owned by the pueblo, but which authorizes tribal police officers, in our capacity as tribal officers, to provide support, backup and assistance to the other law enforcement agencies outside of the pueblo boundaries when requested to do so by the non-pueblo law enforcement agency.

10. Thereafter, while continuing to monitor the radio traffic, I proceeded to the scene in my official tribally-issued, marked police vehicle to assist the Bernalillo officers. I heard Officer Benjey advise that he was en route to Walmart, and I heard SCRECC advise that the subject was by the "General Merchandise" entrance at Walmart. I heard Officer Benjey state that he was the only one en route and ask dispatch to send another unit to assist. I called SCRECC and advised that I was "direct" with the call, meaning that I had heard the call for assistance, and that I was en route. Thereafter, I heard Officers Benjey and Vigil advise SCRECC that they had arrived. At some point while en route, I heard background noises sounding like rustling or scratching, and, based on my experience, I concluded that the officer whose radio had picked up the noise was involved in some sort of altercation, and I therefore sped to the scene using my emergency lights and siren, seeking to provide support, backup and assistance to the officers who had requested our assistance. I advised SCRECC when I arrived on scene.

11. In addition to my commission as a tribal police officer

of the Santa Ana Pueblo Tribal Police Department, I also am commissioned by the Sandoval County Sheriff as a Special Deputy and by the New Mexico State Police Chief as a New Mexico peace officer.

12. The scope of jurisdiction of commissioned tribal officers such as myself in our capacity as Special Deputies is as described by Sheriff Wood in his Affidavit (Exhibit 3), and is limited to enforcing New Mexico state traffic and criminal laws within the exterior boundaries of Santa Ana Pueblo as to non-Indians, and to assist the regular Deputy Sheriffs when requested to do so by the Sheriff or his designees including requests by regular Deputies. In the situation that arose at 1830 hours on September 6, 2015 involving Ben C de Baca, I was not requested to assist or respond to the scene by the Sandoval County Sheriff or any Deputy Sheriff or by anyone else employed by the Sheriff's Department.

13. The scope of jurisdiction of commissioned tribal officers such as myself in our capacity as New Mexico peace officers, as commissioned by the Chief of the New Mexico State Police, is as described in Chief Linthicum's Affidavit (Exhibit 5), is limited to the enforcement of state laws within the exterior boundaries of the Pueblo of Santa Ana, except in cases of so-called hot pursuit of an offender who flees beyond the exterior boundaries of the reservation, and in which cases the tribal officer is permitted to act beyond the boundaries.


PATRICK SEGURA

SUBSCRIBED AND SWORN TO before me by Patrick Segura on this
29th day of DECEMBER, 2017.

Cheryl H. Vallejos
NOTARY PUBLIC

My Commission Expires:

